

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN E. JONES, LINDA D.
LYDIA, and CAROLINE FRANCO,
as Texas registered voters,

Plaintiffs,

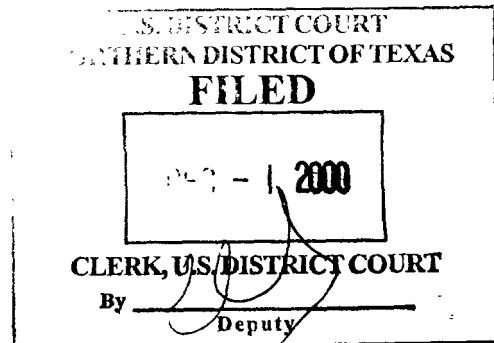
v.

GEORGE W. BUSH, RICHARD B.
CHENEY, ERNIE ANGELO,
GAYLE WEST, BETTY R. HINES,
JAMES B. RANDALL, HELEN
QUIRAM, HENRY W. TEICH, Jr.,
WILLIAM EARL JUETT, HALLY B.
CLEMENTS, HOWARD PEBLEY, Jr.,
ADAIR MARGO, TOM F. WARD, Jr.,
CAMRMEN P. CASTILLO, CHUCK
JONES, MICHAEL PADDIE, JAMES
DAVIDSON WALKER, JOSEPH I.
ONIELL III, BETSY LAKE, ROBERT
J. PEDEN, JIM HAMLIN, MARY E.
COWART, SUE DANIEL, JAMES R.
BATSELL, LOYCE McCARTER,
MICHAEL DUGAS, NEAL J. KATZ,
MARY CEVERHA, CLYDE MOODY
SIEBMAN, RANDALL TYE THOMAS,
CRUZ G. HERNANDEZ, JOHN ABNEY
CULBERSON, STAN STANART, and
KEN CLARK,

Defendants.

CIVIL ACTION NO.

3:00-CV-2543-D



PLAINTIFFS= MOTION TO STRIKE
PORTIONS OF THE BRIEFS OF DEFENDANTS

Plaintiffs respectfully request that this Court strike Sections I.A. and I.B. of the *Response and Brief of Defendants Governor George W. Bush and Richard B. Cheney in Opposition to Plaintiffs'*

Preliminary Injunction Application and Section I of Defendants Ernest Angelo, Gayle West, Joseph L. O'Neill, III, Betsy Lake, Jim Hamlin, Mary E. Cowart, Michael Dugas and John Abney Culberson's Response to Plaintiffs' Brief in Support of Their Application for Preliminary Injunction and Supporting Brief as violative of this Court's Order of November 27, 2000.

1.00 On November 27, 2000, this Court held a scheduling conference with all counsel in this matter via teleconference. As a result of that conference, this Court entered an Order of that date, paragraph 7 of which clearly states, "No reply briefs in support of defendants' motions to dismiss or plaintiffs' preliminary injunction application will be permitted."

2.00 In the November 27, 2000, teleconference, this Court made a clear distinction between the Motions to Dismiss filed by the Defendants and the "merits" of Plaintiffs' Application for Preliminary Injunction. *See, e.g., Transcript of Telephonic Scheduling Conference Before The Honorable Sidney A. Fitzwater, United States District Judge ("Transcript")*, pp. 9, 45. Counsel for Defendants clearly understood this distinction. *Transcript*, p. 11.

3.00 Nevertheless, Defendants Governor George W. Bush and Richard B. Cheney, have, under the guise of responding to the "merits" of Plaintiffs' Application for Preliminary Injunction, filed a reply to Plaintiffs' Response to Defendants' Motions to Dismiss. *See Sections I.A. and I.B. of the Response and Brief of Defendants Governor George W. Bush and Richard B. Cheney in Opposition to Plaintiffs' Preliminary Injunction Application.* These same individuals who have shown complete lack of respect for the terms of the highest law of this land – the United States Constitution – by attempting to end run the prohibitions of the Twelfth Amendment have now demonstrated that same lack of respect for the clear terms of this Court's Order and are now

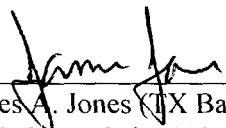
attempting to end run this Court's directives.

4.00 The Elector Defendants don't even attempt to disguise their reply regarding their Motion to Dismiss as addressing the "merits." Section I of their Response to Plaintiffs' Brief in Support of their Application for Preliminary Injunction simply replies to Plaintiffs' Response to Defendants' Motions to Dismiss.

Plaintiffs thus respectfully request that this Court strike Sections I.A. and I.B. of the *Response and Brief of Defendants Governor George W. Bush and Richard B. Cheney in Opposition to Plaintiffs' Preliminary Injunction Application* and Section I of *Defendants Ernest Angelo, Gayle West, Joseph L. O'Neill, III, Betsy Lake, Jim Hamlin, Mary E. Cowart, Michael Dugas and John Abney Culberson's Response to Plaintiffs' Brief in Support of Their Application for Preliminary Injunction and Supporting Brief* as violative of this Court's Order of November 27, 2000.

Dated: December 1, 2000

JONES & ASSOCIATES, P.C.


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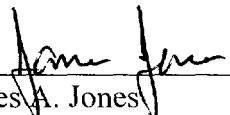
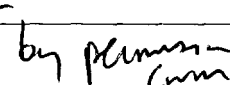
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ATTORNEYS FOR PLAINTIFFS

Certificate of Conference

This is to certify that I conferred with counsel for all Defendants regarding the foregoing Motion. Counsel for Defendant Bush indicated that they are unable to agree or disagree to the Motion because they have not seen it, but subject to that, they oppose it. Counsel for Defendant Cheney and Counsel for the Texas Electors presently represented by the Texas Attorney General's Office indicated that they oppose it.


James A. Jones by 

CERTIFICATE OF SERVICE

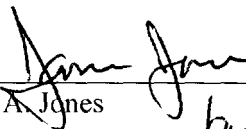
This is to certify that on the 1st day of December, 2000, a true and correct copy of the above and foregoing *Motion* was served by facsimile and U.S. Mail on the following counsel for Defendants:


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